
Agricultural Exemption

- The parties to the transaction must enter into a covenant running with the land, revocable only by mutual consent of the County Commission and the transferee/property owner, that the divided land will be used exclusively for agricultural purposes.
- No building or structure requiring water or sewer facilities shall be utilized on such parcel.
- A change in the use of the land for anything other than agricultural purposes subjects the division to subdivision regulations.

Aggregation of Lots and/or Relocation of Common Boundaries within a Platted Subdivision

- Must rearrange and/or aggregate five or fewer lots within a platted subdivision.
- May not increase the total number of lots.
- A deed(s) exchanging recorded interest from every person having a recorded interest in the adjoining properties for the entire newly described parcel(s) (five or fewer) that are acquiring additional land must accompany the claim.

Relocation of Common Boundary Lines

- A deed(s) exchanging recorded interest from every person having a recorded interest in the adjoining properties for the entire newly described parcel(s) (five or fewer) that are acquiring additional land must accompany the claim.
- Documentation showing the need or reason for the relocation (for example; structure encroachment, surveyor error or enhancement of the property configuration) must accompany the claim.

Gift or Sale to an Immediate Family Member

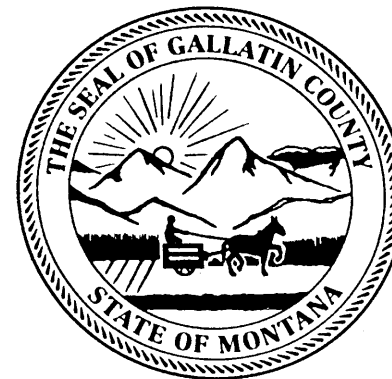
- Must be the spouse or, by blood or adoption, a son, daughter, mother or father.
- May only be used to convey one parcel to each family member.
- Must be placed in trust for a minor child.
- Must be accompanied by a copy of the deed transferring interest in the parcel being created or a statement detailing where the deed is in escrow, how long it will be in escrow and authorization to contact the escrow agent for verification.

Security for Construction Financing

- This exemption may not be used for the purpose of conveyance.
- The financing may not be used for construction on land other than the exempt parcel.
- A written statement explaining how many parcels within the original tract will be created by the use of the exemption must accompany the claim.
- A written statement explaining who will have title to and possession of the remainder of the original parcel must accompany the claim.
- A signed and notarized statement from the lending institution that the creation of the exempt parcel is necessary to secure a construction loan for buildings or other improvements on the parcel must accompany the claim.
- The written statements and the instruments creating the security shall be filed at the same time with the Clerk and Recorder.
- The mortgaged parcel must meet the minimum zoning requirements.

If you have any additional questions, please contact the Planning Department, and/or make an appointment to meet with a planner. You can receive walk-in assistance Monday through Friday from 8:00 am to 5:00 p.m. at the Gallatin County Planning Department.

EXEMPTION PROCESS



GALLATIN COUNTY PLANNING DEPARTMENT

Gallatin County
Planning Department

311 West Main, Rm. 208, Bozeman, MT 59715
Phone (406) 582-3130 Fax (406) 582-3135

www.gallatin.mt.gov/planning

F:\PLNG\FORMS\FORMS.2003\Forms04\exempt process.06.doc

Updated April 2006

EXEMPTION PROCESS

The actions listed below are all considered to be exempt from local subdivision review and approval, unless the transaction is an attempt to evade the Montana Subdivision and Platting Act:

- Give or sell a piece of your property to an immediate family member.
- Give or sell property to another party to be used exclusively for agricultural purposes.
- Relocate the boundaries between five or fewer parcels without creating a new parcel.
- Aggregate lots and/or relocate common boundaries between five or fewer lots within a platted subdivision without increasing the total number of parcels.
- Provide security for construction mortgages, lien, or trust indentures, when a survey of the parcel has been required by one of the parties.

State law requires that in order to complete any of these transactions a Certificate of Survey by a Montana registered surveyor or registered engineer must be completed. In addition, the County Commission must determine that the exemption is not an attempt to evade the Montana Subdivision and Platting Act.

Claimant's Responsibilities:

- Familiarity with the requirements for the type of exemption you are claiming.
- Hire a qualified person or firm to complete the survey of the property and the certificate of survey (the legal map of the property).
- Submit a complete application and \$200 filing fee to the Planning Department.
- Awareness that completion of an exemption does not ensure that a new parcel has legal access, that the exemption must meet zoning requirements, and that the exemption may require new sanitary review.

Gallatin County's Responsibilities:

Montana State Statutes require the County Commission allow these specific instances of divisions of land that are exempt from the Montana Subdivision and Platting Act and the Gallatin County Subdivision Regulations but are subject to the survey requirements unless the method of disposition is adopted for the purposes of evading the Montana Subdivision and Platting Act.

- The County Commission shall allow or disallow the exemption within 30 days of the determination that the application is complete.
- In assessing the claimant's purpose, the County Commission will evaluate all relevant circumstances including the nature of the claimant's business, prior history of the particular tract, and the proposed configuration.
- An exemption must meet zoning requirements.
- If less than 20 acres, the exemption may require new sanitary review.

BASIC STEPS

Claimant submits exemption survey and application.



County Commission meeting.



County Commission makes a determination whether the exemption is an attempt to evade the Montana Subdivision and Platting Act.



Claimant records the plat.



You should be aware that in many instances, your professional will take your exemption through this process.

GENERALPROCESS

1. Claimant hires a qualified person or firm to complete the certificate of survey.
 2. Claimant pays all real property taxes and special assessments assessed and levied on the land involved, except when claiming the exemption for Security for Construction Financing.
 3. Claimant obtains plat signatures except County Commission and Clerk and Recorder.
 4. Claimant submits a complete application to the Planning Department that includes:
 - An application form.
 - Certificate of survey (2 Mylar's with all original signatures; 4 paper copies - 6 paper copies for Family Transfer exemptions).
 - Deeds exchanging ownership (current and sample of proposed).
 5. Planning Department has three working days to determine if the application is complete.
 6. If incomplete, Planning Department will notify claimant of problems.
 7. If complete, Planning Department notifies claimant of County Commission meeting date (approximately 30 days from filing date) and sends a copy of the staff report.
 8. Claimant attends meeting before the County Commission prepared to:
 - Answer any questions.
 - Explain the claim for the exemption.
 9. County Commission makes a determination whether the exemption is an attempt to evade the Montana Subdivision and Platting Act.
 10. Planning Department submits mylars to County Commission.
 11. County Commission returns signed mylars to Planning Department.
 12. Planning Department notifies claimant that Planning Department portion is completed.
 13. Claimant obtains deed signatures and approval of sanitary facilities, if required.
- Claimant pays Clerk and Recorder to record certificate of survey and all required documents.